

## REMARKS

The applicant's attorney amends claim 1 to more clearly recite an aspect of the applicants' invention. This amendment does not narrow the claim and does not new matter.

The applicant's attorney has provisionally withdrawn claims 2 – 9 because claim 1 has been provisionally elected in response to the examiner's restriction requirement. If the examiner withdraws the restriction as argued for below, then claims 2 – 9 are not withdrawn.

The Examiner has restricted the claims into three groups:

- claim 1 (Group I),
- claims 2 – 5 (Group II), and
- claims 6 – 9 (Group III)

As discussed below, the applicants' attorney respectfully traverses the restriction requirement on Groups I, II and III on the grounds that the examiner can search and examine the claims in each of these groups without serious burden. Although the applicants traverse the restriction requirement as discussed below, they provisionally elect to prosecute claim 1 of Group I, as further amended herein, if the examiner does not withdraw the restriction requirement.

According to MPEP §803, if the examiner can search and examine the application without serious burden, then he/she must examine the application on the merits, even though it includes claims to independent or distinct inventions. As discussed below, because claims 2 – 5 and claims 6 – 9 recite similar subject matter, the examiner can perform a single search and examination that will cover all of these claims. Consequently, the examiner can search and examine the application without serious burden, and, therefore, must examine claims 2 – 5 and 6 – 9.

Because claims 1, 2 – 5 and 6 – 9 (Groups I, II and III) respectively recite isolated

*Lactobacillus reuteri* Probio-16 (Accession No. KCCM 10214); a pharmaceutical, veterinary, or alimentary composition comprising an effective amount of probiotic *Lactobacillus reuteri* Probio-16; and a method for reducing the incidence of or treating infectious diarrhea that includes administering an effective amount of *Lactobacillus reuteri* Probio-16, the examiner can perform a single search for claims 1 – 9. Furthermore, because these claims recite related subject matter, examination of these claims will involve similar analyses. Therefore, it is only slightly more burdensome for the examiner to search and examine claims 1 – 9 than it would be for him to search and examine the provisionally elected claim 1 of Group I.

Because there is no serious burden on the examiner to search and examine claims 1 – 9, the restriction is improper. Therefore, the examiner must withdraw the restriction on claims 1 – 9 and examine these claims.

### CONCLUSION

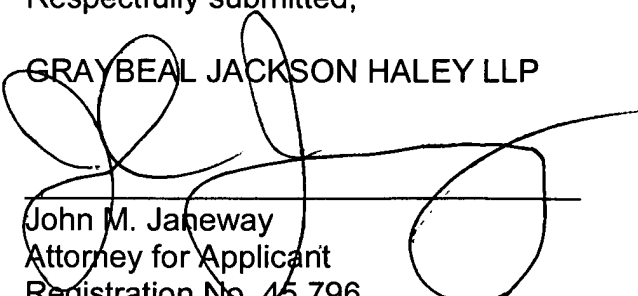
The applicant's attorney respectfully requests that the examiner withdraw the restriction requirement on claims 1 – 9 and examine these claims.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the applicant's attorney, John M. Janeway, at (425) 455-5575.

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Respectfully submitted,

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